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4 BILL NO. G-74-03-23

5 GENERAL ORDINANCE NO. G- 06-74

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7 AN ORDINANCE amending Section 12 of Article I
8 of Chapter 28 of the Municipal Code of the City
9 of Fort Wayne, Indiana, as amended by
General Ordinance No. 2726, adopted
December 22, 1953.

10 SECTION 1. Chapter 28 of the Municipal Code of the City of Fort Wayne,
11 Section 12 of Article 1 is hereby amended to read as follows:

12 Section 12 (A) CONSTRUCTION OF DRIVEWAY ENTRANCES AND APPROACHES

13 These regulations shall apply to all classes designated in Subsection
14 (C) and shall be entitled Access Permit Rules.

15 B) DEFINITIONS For the purpose of these regulations the following
16 definitions shall apply:

17 1) Driveway: Every way or place not on the right-of-way of any
18 public street or alley and which is used for vehicular traffic.

19 2) Approach: A place improved for vehicular or pedestrian traffic
on street right-of-way which connects the edge of pavement of a public street with
a driveway, or pedestrian walkway.

20 3) Entrance: The point of connection of an approach with the traveled
21 portion of a public street.

22 4) Median: The portion of a divided highway separating the traveled
ways for traffic in opposite directions.

23 5) Traveled Way: The portion of the roadway for the movement of
24 vehicles, exclusive of shoulders and auxiliary lanes.

25 6) Median Opening (Crossover): A gap in the median provided and
26 designated for crossing and turning traffic.

27 7) Auxilliary Lane: The portion of the roadway, adjoining the traveled
way for parking, speed change, turning, storage for turning, weaving, truck
28 climbing or for other purposes.

29 8) Access Point: The point of connection of a driveway at the right-
30 of-way line of the street with the approach.

31 9) Single Family Residence Access: An entrance and an approach
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which connects a City street with a driveway to a residence, barn, private garage, or other improved property and ordinarily used by the owner or occupant of the premises, his guests and necessary service vehicles.

9-b) Commercial Access: An entrance and an approach which connects a City street with a driveway to private property used for multiple family, commercial, industrial, schools, churches, and other similar uses which will ordinarily carry a heavy traffic movement, and public property which will ordinarily carry a heavy traffic movement.

9-c) Field Access: An entrance and an approach which connects a City street or road with vacant lots, fields or other unimproved property.

C) CLASSES. All entrances and approaches shall be divided into five classes as follows:

CLASS I	Single Family Residence Access - raised curb used.
CLASS II	Single Family Residence Access - shoulder only, no raised curb.
CLASS III	Commercial Access - raised curb used.
CLASS IV	Commercial Access - should only, no raised curbs.
CLASS V	Field Access - either raised curb or shoulder only.

Crossovers shall be classified in accordance with current Access Standards Manual.

D) APPLICATION - FORMS REQUIRED and FEE

1) Application - Form Required: Application to the Right-of-Way Permit Department, Room 880, City-County Building, for permits to construct any entrance, driveway or approach connecting with any City street, alley, or to cut any curb along said street or to construct a crossover on said street shall be made on the form as prescribed by the Board of Public Works.

2) Application Fee: There shall be an application fee submitted with each application in the following amounts:

1) <u>RESIDENTIAL</u> (Class I, II, or V Access)	\$ 10.00 Each Entrance
2) <u>COMMERCIAL</u> (Class III, IV or V Access) (Without Taper or Passing Lanes)	\$100.00 Each Entrance
3) <u>COMMERCIAL</u> (Class III, IV or V Access) (With Taper or Passing Lanes)	\$200.00 Each Entrance

Such application fees represent a processing charge and are non-refundable.

E) NEW APPLICATION - WHEN REQUIRED: A new application shall be required for the construction, remodeling, alteration, or relocating of an entrance approach,

driveway or cross-over. Any change in the character and entrance of the land use of the real estate, no matter how slight, shall be reviewed to determine if any alteration, relocation, or remodeling of the existing entrance, approach(s), driveway(s), or cross-over(s) or new construction is required. In the event it is determined that relocation, alteration, or modification of the existing entrance approach(s), driveway(s) or cross-over(s), or new construction is required; a new application shall be governed by the same rules and judged by the same standards as an application for a permit for a wholly new entrance approach, driveway and/or cross-over.

F) APPLICATION - PERSONS MAKING - DISCLOSURE: All applications for permits under these regulations shall be made in the name of the owner of the fee simple title. All persons having any interest in the land, including but not limited to mortgagees, leasees, optionors, lien holders, and encumbrances shall join with the fee simple holder in the application. All such persons shall in the application sign and consent to the conditions of the application and shall be bound equally thereafter by the conditions of any permit which may be issued to any permittee. Title evidence, in the form of a certified search covering period of 20 years, shall be furnished to support the signatures for driveway permit applications in the following areas:

1) All commercial access applications except those applications involving an EXISTING ACCESS WITH NO PROPOSED CHANGE IN ACCESS, USE OR CHARACTER.

2) Private access or field access in areas covered by limited access resolutions.

All other title evidence will be at the discretion of the Board of Public Works.

If the applicant submits an application which his title evidence does not include the signatures of all interest holders, then if the application is evaluated in favor of granting the permit, the applicant must submit subsequent title evidence showing that all omitted interest holders have ceased to be interest holders or have by an addendum to the application joined the original applicant on the original application and such subsequent title evidence or addendum must be submitted before any authorization for construction under the permit shall begin.

G) APPLICATION - PURPOSE OF ACCESS DISCLOSURE OF INTENDED USE FOR OR WITH ADJACENT PARCELS: All applications for permits shall disclose the present and proposed use of the parcel for which access is requested. Any intended use of the access in conjunction with any adjacent parcel, whether owned by applicants or by others, or to be purchased or sold by the applicant or others, shall be disclosed in the application, all adjacent parcels owned or controlled by the applicants whether intended to be used in conjunction with the requested access shall be disclosed in the application. These disclosures are required to ensure the public a safe and convenient means of travel consistent with the right of the adjoining landowner to have access as provided by law.

H) APPLICATION - DRAWINGS AND INFORMATION REQUIRED: All application for permits under these regulations shall be accompanied by clear drawings. One (1) drawing to accompany each application form. Information to be shown on drawings shall include the following as applicable:

- 1) Driveway and approaches
- 2) A legal description of the property to be served by the permit together with a legal description of the adjoining land owned or controlled by the applicant.
- 3) Right-of-Way lines and property lines.
- 4) Site plan showing parking, interior drives, buildings, etc.
- 5) Distance to intersecting roads, streets, railways, or crossovers within five hundred (500) feet.
- 6) Width of right-of-way
- 7) Width and type of road surface.
- 8) Necessary and existing pipe, tile, or other drains stating size and kind.
- 9) Distance from right-of-way line to gasoline pumps.
- 10) Type of surface and construction (base, surface, etc.) of driveways.
- 11) Type of surface and construction (base, surface, etc.) of approaches.
- 12) Proposed turning radii.
- 13) Proposed treatment of right-of-way adjacent to and between approaches
- 14) Rate of slope or grade of approaches and driveways.
- 15) Show distance to and design of next drives on both sides of street (both directions) if within five hundred (500) feet.
- 16) All adjacent parcels owned or controlled by the applicant and whether the same are intended for use with access requested or not.
- 17) All parcels intended for use with requested access.
- 18) Resolution (59-80-11) effective December 7, 1972 -- All driveway approaches shall have a two inch conduit placed one foot from the inside sidewalk edge, length of which shall be the width of the driveway plus two feet on each side.

I) APPLICATION - STANDARDS: All construction and materials used within the street right-of-way must conform to the City of Fort Wayne "Standard Specifications" which shall be kept on file in the Right-Of-Way Permit Engineer's Office.

J) APPLICATION - DESIGNS: All applications shall be filed in accordance with the Driveway Access Standards Manual Requirements of the City of Fort Wayne. The permittee agrees to make the improvements in accordance with such standards, specifications, and design requirements of the City of Fort Wayne.

K) APPLICATION - COMMERCIAL - ENGINEER'S ATTESTATION: All applications for commercial purposes shall be signed by a registered professional engineer, and/or registered land surveyor, attesting that the applications as proposed, conform with all City of Fort Wayne rules and standards, except as he shall note in such attestation.

L) COMPLIANCE - OTHER LAWS: Approval of a permit application shall be subject to the permittee obtaining all necessary approvals involving land use from the Zoning Board and/or Plan Commission having jurisdiction and local authorities and complying with all applicable laws. The issuance of any permit shall in no way imply Board of Works approval of, or be intended to influence any action pending before any local board or commission.

M) BOND REQUIRED: The City of Fort Wayne shall require a Permit Bond and liability insurance to be filed along with each application to do any type of construction work within the right-of-way.

1) Contractors:

a) Permit Bond

Minimum - \$5,000

b) Liability Insurance

Minimum - \$50,000

2) Private Property Owners:

a) Permit Bond

Minimum - \$1,000 (Single Address)

b) Liability Insurance

Minimum - a rider to the Homeowner's Policy naming the City of Fort Wayne as additional insured.

Such bonds are required to insure compliance with all terms of the permit and shall in the case of noncompliance, provide in addition to any damages suffered thereby, all witness and court costs in collecting the same, together with any attorney's fees reasonably due, and shall be released only when the work described on the permit has been completed to the satisfaction of the Right-Of-Way Permit Engineer or his representative.

This bond is required for a period of one year, and shall be considered as continuous bond. This bond and liability insurance must be on file in the Right-Of-Way Permit Department before any R/W permits will be issued.

The proper bond forms may be obtained from the Right-Of-Way Permit Department, Room 880, City/County Building.

N) MEDIAN OPENINGS (cross-overs) - LOCATION: Permits for private or commercial crossovers will not be approved unless the distance to the nearest existing crossover is in accordance with the Access Standards Manual, unless the applicant can prove to the satisfaction of the Board of Public Works that the location of the crossover will not be detrimental to the safety of the traveling public.

O) LOCATION - TAPER - CONTINUOUS LANE: When the taper of a proposed driveway approach will create, because of the addition of said taper and its proximity to an adjacent similar taper, hazardous and erratic traffic movements; the entire area between said tapers must be paved thus forming a continuous full lane between the approaches of which said tapers are a part.

P) LOCATION - VISIBILITY: All entrances and approaches shall be located so as to provide adequate sight distance in both directions along the street for safe access to the street without interfering with traffic.

Q) LOCATION - TRAFFIC DEVICES: No entrance or approach shall be located or constructed so as to interfere with or prevent the proper location of necessary street signs or other traffic control devices.

R) LOCATION - PROPERTY LINE: No approach radii shall be so constructed that any part of the same extends in front of property belonging to persons other than the permittee unless both property owners sign a joint application for a permit

S) DRAINAGE REQUIREMENTS: All improvements authorized by the permit shall not interfere with drainage of the street or right-of-way, nor cause additional area to drain onto the right-of-way, nor shall they be constructed so as to cause drainage on to the roadway.

All drainage pipes or tile used in the construction of driveways and approaches, shall be a MINIMUM OF TWELVE (12) INCHES IN DIAMETER and as much larger as the Department shall deem necessary for proper drainage, and all new driveways and approaches shall be furnished by the permittee, all pipe or tile and other drainage structures used shall meet the approval of the Department as to type quality, size and length.

T) PERMIT - FOR CONSTRUCTION: Upon receipt of such permit, the permittee is authorized to proceed with the work covered by it, subject to the conditions imposed by the board of Public Works and these rules. If the application is approved with conditions, or special provisions, all of the signatories to the original application should indicate their consent to the conditions, or special provisions in writing.

U) FINAL PERMIT-INSPECTION: A final approval of the permit shall be issued upon completion of construction: provided, however, that no approval will be issued until the work covered by the permit to construct is inspected and found to be in accordance with the plans and specifications file in the application as amended by the Engineering Departments, together with any special conditions noted therein, and approved by the Board of Public Works.

V) PERMIT - RECORDING: The permit clerk of the Right-Of-Way Permit Engineering Office shall upon receiving the approved permit signed by the Board of Public Works, enter same into the general ledger of the Right-Of-Way Permit Engineering Office, together with the cost of processing said permit. Upon completion of construction and final inspection, the date of acceptance shall also be entered into the general ledger.

W) PERMIT - NOTIFICATION OF BEGINNING WORK WHEN EFFECTIVE: Before beginning work under any permit to construct, the permittee shall notify the Right-Of-Way Permit Office a minimum of 24 hours prior to start of work, and again two (2) hours prior to pouring concrete.

X) PERMIT - DISPLAY: The applicant's permit complete with drawings and special provisions shall be on the job site at all times so that it can be shown, if requested.

Y) PERMIT - VALIDITY - COMPLETION OF CONSTRUCTION: All improvements authorized by a permit must be completed with one (1) year after the permit is issued; otherwise, the permit will be cancelled unless an extension is requested, in writing, by the applicant, and said request is approved by the Board of Public Works. However, all construction authorized by the permit on the right-of-way

must be completed within thirty (30) days after starting said construction, unless otherwise expressly approved as a special condition.

Z) PERMIT - LIABILITY DURING CONSTRUCTION: The permittee shall assume all responsibility (during the time from the beginning of the work covered by any permit until final approval of the work), and shall furthermore be obligated to save harmless the City of Fort Wayne for any and all injury, loss or damage occasioned to or by persons or property resulting directly or indirectly from such work; the Board of Public Works shall require the permittee to provide liability and indemnity insurance as described by subsection "M".

AA) PERMIT - CONSTRUCTION NOT TO INTERFERE WITH STRUCTURE IN RIGHT-OF-WAY: The construction of all improvements authorized by the permit shall not interfere with any existing structure on any City of Fort Wayne right-of-way without specific permission in writing from the Board of Public Works or other owner thereof. Any structure or traffic control device affected by the proposed construction shall be relocated at the applicant's expense as directed.

BB) PERMIT - ENFORCEMENT OF UNLAWFUL SIGNS: The permittee shall not erect or maintain any advertising sign on or over the right-of-way or any portion thereof in violation of any law.

CC) PERMIT - EXISTING ACCESS - SUBJECT TO NEW RULES: Any person who by law, has an existing legal right of access to a City of Fort Wayne street, shall if he desires to improve, relocate, alter or remodel the same, or if he has applied for and been issued final approval of a permit under said Ordinance if he desires to make any change in the character of the use of such rights of access, then existing or granted thereafter with respect to such real estate shall be subject to these rules as the same may from time to time be amended by the Board of Public Works.

DD) SEVERABILITY: If any provision of said Ordinance or the application thereof to any person or circumstances is valid, such invalidity shall not affect the other provisions or applications of these rules which can be given effect without the invalid provision, or application, and to this end, the provisions of said ordinance are declared to be severable.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.


COUNCILMAN

A PRIMA FACIE
EVIDENCE,

CITY ATTORNEY

Read the first time in full and on motion by Nuckols, seconded by Hengst, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197____, at _____ o'clock P.M., E.S.T.

Date: 3/12/74

Charles B. Teterman
CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by Hengst, and duly adopted, placed on its passage. Passed (~~Set~~) by the following vote:

	AYES <u>5</u>	NAYS <u>4</u>	ABSTAINED _____	ABSENT _____ to-wit:
BURNS	<u>✓</u>	<u>✓</u>	_____	_____
HINGA	<u>✓</u>	_____	_____	_____
KRAUS	<u>✓</u>	_____	_____	_____
MOSES	_____	<u>✓</u>	_____	_____
NUCKOLS	<u>✓</u>	_____	_____	_____
SCHMIDT, D.	_____	<u>✓</u>	_____	_____
SCHMIDT, V.	<u>✓</u>	_____	_____	_____
STIER	<u>✓</u>	_____	_____	_____
TALARICO	_____	<u>✓</u>	_____	_____

DATE: 4-9-74

Charles B. Teterman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (~~Annexation~~) (~~Special~~) (~~Appropriation~~) Ordinance (Resolution) No. D-06-74 on the 9th day of April, 1974.

ATTEST: (SEAL)

Charles B. Teterman
CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of April, 1974, at the hour of 1:40 o'clock A. M., E.S.T.

Charles B. Teterman
CITY CLERK

Approved and signed by me this 11th day of April, 1974, at the hour of 9:30 o'clock P. M., E.S.T.

Edward H. Kamichan
MAYOR

Hold
Case Bd. of Works
for Apr. 9. Dr. Bowser

Bill No. G-74-03-23

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending Section 12 of Article I of Chapter 28 of the Municipal Code
of the City of Fort Wayne, Indiana, as amended by General Ordinance No.
2726, adopted December 22, 1953.

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance do PASS.

- John Nuckols - Chairman
- Vivian G. Schmidt - Vice-Chairman
- William T. Hinga
- Paul M. Burns
- Donald J. Schmidt

John Nuckols
Vivian G. Schmidt
William T. Hinga

CONCURRED IN
DATE 4-9-74 CHARLES W. WESTERMAN, CITY CLERK



City Clerk Memorandum

CHARLES W. WESTERMAN, Clerk

To Dr. Jerry Boswell - Chairman Board of Works Date 3-21-74
From Charles W. Westerman - City Clerk
Subject Appearance before Common Council - April 2, 1974

COPIES TO:

RE: BILL NO. G-74-03-23

AN ORDINANCE amending Section 12 of Article I of Chapter 28 of the Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. 2726, adopted December 22, 1953

Your presence is requested on April 2, 1974, at 7:30 o'clock P.M., Room 124, by the members of the Common Council and John Nuckols, Chairman of the Regulations Committee, in regard to the above bill.

It is also requested that you bring along any materials or information that you may have which will help the Council in its decision regarding the above bill.

Charlie



City Clerk Memorandum

CHARLES W. WESTERMAN, Clerk

To Dr. Jerry Boswell - Board of Public Works Date 4-5-74

From Charles W. Westerman - City Clerk

Subject Appearance before Common Council - April 9, 1974

COPIES TO:

RE: BILL NO. G-74-03-23

AN ORDINANCE amending Section 12 of Article I of Chapter 28 of the Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. 2726, adopted December 22, 1953.

Your presence is requested on April 9, 1974, at 7:00 o'clock P.M., Room 124, by the members of the Common Council and John Nuckols, Chairman of the Standing Committee of Regulations in regard to Bill No. G-74-03-23.

It is also requested that you bring along any material or information that you may have which will help the Council in its decision regarding the above bill.

Charlie



CITY OF FORT WAYNE

FORT WAYNE, INDIANA

**CHARLES W. WESTERMAN
CITY CLERK**

April 15, 1974

Miss Helen Libbing
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates of April 17 and April 24, 1974, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, Indiana.
Bill No. G-74-03-23
General Ordinance G-06-74

Please send us four (4) copies of the Publisher's Affidavit.

Thank you.

Sincerely,

Charles W. Westerman
City Clerk

CWW/ne
ENCL: 1

BILL NO. G-74-6523
GENERAL ORDINANCE NO. G-6472
AN ORDINANCE AMENDING SECTION 12 OF
ARTICLE I OF THE CHARTER OF THE CITY OF
FORT WAYNE, INDIANA, PASSED BY THE
CITY OF FORT WAYNE, INDIANA, ON
APRIL 17, 1974, THE COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA, HAS
ADOPTED THE FOLLOWING BILL NO. G-74-
6523 AND PASSED THE FOLLOWING RESOLUTION:

SECTION 1. Chapter 18 of the Municipal
Code of the City of Fort Wayne, Section 12
of Article I is hereby amended to read as
follows:

Section 12 (A) CONSTRUCTION OF
DRIVEWAY ENTRANCES AND AP-
PROACHES.

These regulations shall apply to all
classes designated in these regulations and
shall be entitled Access Permit Rules.

B) DEFINITIONS. For the purposes of
these regulations the following definitions
shall apply:

1) Driveway: Every way or place not on
the right-of-way of any public street or
alley and which is used for vehicular traffic.

2) Approach: A place, including a
sidewalk or pedestrian traffic on street right-
of-way, which connects the edge of a private
or public street with a driveway, or
pedestrian walkway.

3) Entrance: The point of connection of
an approach with the traveled portion of a
public street.

4) Median: The portion of a divided high-
way separating the traveled ways for traf-
fic in opposite directions.

5) Traveling Way: The portion of the
roadway for the movement of vehicles, ex-
cluding shoulders and auxiliary lanes.

6) Median Opening (Crossover): A gap in
the median provided and designated for
crossing and turning traffic.

7) Auxiliary Lane: The portion of the
roadway, adjoining the traveled way for
parking, speed change, turning, storage for
turning, weaving, truck climbing or for other
or purposes.

8) Access Point: The point of connection
of a driveway to the right-of-way line of the
street with the approach.

9) Single Family Residence Access: An
entrance and an approach which connects a
city street with a driveway to a residence,
barn, private garage, or other improved
property and ordinarily used by the owner
or occupant of the premises, his guests and
necessary service vehicles.

10) Commercial Access: An entrance and
an approach which connects a city street
with a driveway to private property used
for multiple family, commercial, in-
dustrial, schools, churches, and other sim-
ilar uses, which will ordinarily carry a
heavy traffic movement, and public prop-
erty which will ordinarily carry a heavy traf-
fic movement.

11) Field Access: An entrance and an
approach which connects a city street or
road with vacant lots, fields or other un-
improved property.

C) CLASSES. All entrances and ap-
proaches shall be divided into five classes
as follows:

1) CLASS I Single Family Residence Access
— raised curb used.

2) CLASS II Single Family Residence Ac-
cess — shoulder only, no raised curb.

3) CLASS III Commercial Access — raised
curb used.

4) CLASS IV Commercial Access — should
only, no raised curbs.

5) CLASS V Field Access — either raised
curb or shoulder only.

Crossovers shall be classified in ac-
cordance with current Access Standards Man-
ual.

D) APPLICATION — FORMS RE-
QUIRED AND FEE.

1) Application — Form Required: Appli-
cation to the Right-of-Way Permit Depart-
ment, Room 889, City-County Building, per-
mits to construct or alter an entrance, drive-
way or approach connecting with any city
street, alley, or to be cut across a solid
street or to construct a crossover on a solid
street shall be made in the form as pre-
scribed by the Board of Public Works.

2) Application Fee: There shall be an ap-
plication fee submitted with each appli-
cation in the following amounts:

1) RESIDENTIAL (Class I, II, or V Ac-
cess) \$10.00 Each Entrance.

2) COMMERCIAL (Class III, IV or V Ac-
cess) (Without Taper or Passing Lanes)
\$10.00 Each Entrance.

3) COMMERCIAL (Class III, IV or V Ac-
cess) (With Taper or Passing Lanes)
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Such application fees represent a pro-
cessing charge and are not refundable.

E) NEW APPLICATION — WHEN RE-
QUIRED: A new application shall be re-
quired for the construction, remodeling, al-
teration, or relocating of an entrance, ap-
proach, driveway or cross-over.

Any change in the character and entrance of the
land use of the real estate, no matter how
slight, shall be reviewed to determine if
any alteration, relocation, or remodeling of
the existing entrance, approach (a), drive-
way (b), or cross-over (c) or new construc-
tion is required. In the event it is deter-
mined that relocation, alteration, or modifi-
cation of the existing entrance, approach
(a), driveway (b), or cross-over (c), or new con-
struction is required, a new application
shall be submitted by the same owner and
approved by the same standards as an appli-
cation for a permit for a wholly new en-
trance, approach, driveway and or cross-
over.

F) APPLICATION—PERSONS MAK-
ING DISCLOSURE.

All applications for permits under these regulations shall be
made in the name of the owner of the fee
simple title. All persons having any interest
in the land, including but not limited to
mortgagees, leaseholders, co-owners, lien hold-
ers, and encumbrances shall sign with the
fee simple holder in the application. All
persons shall sign the application and con-
sent to the conditions of the application
and shall be held jointly and severally
liable for the conditions of any permit which
may be issued to any person who furnishes
false information.

The evidence in the form of a certified search cov-
ering period of 30 years, shall be furnished
to support the signatures for driveway per-
mit applications in the following areas:

1) All commercial access applications ex-
cept those applications involving ex-
isting access with no proposed change in access, use or
character.

2) Private access or field access in areas
covered by limited access resolutions.

All other title evidence will be at the dis-
cretion of the Board of Public Works.

If the applicant submits an application
with the signatures of all interest holders, then
the title evidence does not include the
signatures of all interest holders, then
the application is evaluated in favor of
granting the permit. If the applicant must
submit subsequent title evidence showing
consent to all interest holders or have by
an addendum to the application joined with
the original applicant on the original appli-
cation and such subsequent title evidence
or addendum must be submitted before any
authorizations for construction under the
permit shall begin.

G) APPLICATION—PURPOSE OF AC-
CESS DISCLOSURE OF INTENDED USE
FOR ADJACENT PARCELS.

All applications for permits shall disclose
the present and proposed use of the parcel
use of the access in conjunction with any
other parcels owned or to be purchased or
disclosed in the application, all adjacent
parcels whether intended to be used in con-
junction with the proposed use or not. These dis-
closures are required to assure the public
patent with the right of the adjoining land-
owner to have access as provided by law.

H) APPLICATION—DRAWINGS AND
INFORMATION REQUIRED.

All appli-
cations for permits under these regulations
shall be accompanied by clear drawings
and information to accompany each appli-
cation form. Information to be shown on ap-
plications shall include the following as ap-
plicable:

1) Driveway and approaches.

2) A legal description of the property to
be served by the permit together with a
legal description of the adjoining land
owned or controlled by the adjoining land-
owner.

3) Right-of-Way lines and property lines.

4) Site plan showing parking, interior
drives, buildings, etc.

5) Distance to intersecting roads,
streets, railways, or crossovers within five
hundred (500) feet.

6) Width of right-of-way.

7) Width and type of road surface.

8) Necessary and existing pipe, tile, or
other drains stating size and kind.

9) Distance from right-of-way line to
pavement.

10) Type of surface and construction
(base, surface, etc.) of driveway.

11) Type of surface and construction
(base, surface, etc.) of approaches.

10) Type of surface and construction (base, surface, etc.) of driveways.
 11) Type of surface and construction (base, surface, etc.) of approaches.
 12) Proposed turning radii.
 13) Proposed treatment of right-of-way adjacent to and between approaches.
 14) Rate of slope or grade of approaches and driveways.
 15) Show distance to and design of net drives on both sides of street. (Each driveway within five hundred (500) feet.
 16) All adjacent parcels owned or controlled by the applicant, whether the same are intended for use with access requested or not.
 17) All parcels intended for use with requested access.
 18) Resolution (59-80-11) effective December 7, 1972 — All driveway approaches shall have a two inch conduit placed one foot from the inside sidewalk edge, length of which shall be the width of the driveway plus two feet on each side.
 I) APPLICATION STANDARDS: All construction and materials used within the street, right-of-way, must conform to the City of Fort Wayne Engineering Specifications which shall be kept on file in the Right-Of-Way Permit Engineering Office.
 J) APPLICATION-DESIGNS: All applications shall be filed in accordance with the Driveway Access Standards Manual requirements of the City of Fort Wayne. The permittee agrees to make the improvements in accordance with said standards, specifications, and design requirements of the City of Fort Wayne.
 K) APPLICATION — COMMERCIAL — ENGINEER'S ATTESTATION: All applications for commercial purposes shall be signed by a registered professional engineer, and or registered land surveyor, attesting that the applications as proposed, conform with all City of Fort Wayne rules and standards, except as to shall note in such attestation.
 L) COMPLIANCE—OTHER LAWS: Approval of a permit application shall be subject to the permittee obtaining all necessary approvals involving land use from the Planning Board and or Plan Commission having jurisdiction and local authorities and complying with all applicable laws. The issuance of any permit shall in no way imply abscond of works approved or, or be intended to influence any action pending before any local board or commission.
 M) BOND REQUIRED: The City of Fort Wayne shall require a Permit Bond and liability insurance to be filed along with each application to do any type of construction work within the right-of-way.
 1) Permit Bond — \$1,000.
 a) Minimum — \$1,000.
 b) Liability Insurance Minimum — \$50,000.

2) Private Property Owners:
 a) Permit Bond Minimum — \$1,000 (Single Address)
 b) Liability Insurance Minimum — A rider to the Homeowner's Policy naming the City of Fort Wayne as additional insured.
 Such bonds are required to insure compliance with all terms of the permit and shall in the case of noncompliance, provide in addition to any damages suffered thereby, all witness and court costs in collecting the same, together with any attorney's fees reasonably used, and shall be released only when the work described on the permit has been completed to the satisfaction of the City of Fort Wayne Permit Department representative.
 This bond is required for a period of one year, and shall be considered as continuous bond. This bond and liability insurance must be on file in the Right-Of-Way Permit Department before any R-W permits will be issued.
 The proper bond forms may be obtained from the right-of-way Permit Department, Room 806, City-County Building.

N) MEDIAN OPENINGS (cross-overs)
 LOCATION: Permits for private commercial crossovers will not be approved unless the distance to the existing crossovers is in accordance with the Access Standards Manual, unless the applicant can prove to the satisfaction of the Board of Public Works that the location of the crossover will not be detrimental to the safety of the traveling public.

O) LOCATION—TAPER-CONTINUOUS LAINE: When the taper of a proposed driveway approach will create, because of the addition of said taper and its proximity to an adjacent similar taper, hazardous and erratic traffic movements, the entire area between said tapers must be paved thus forming a continuous full lane between the approaches of which said taper is a part.

P) LOCATION-VISIBILITY: All entrances and approaches shall be so located as to provide adequate sight distance in both directions along the street for safe access to the street without interfering with traffic.

Q) LOCATION—TRAFFIC DEVICES: No entrance or approach shall be located or constructed so as to interfere with or prevent the proper location of necessary street signs or other traffic control devices.

R) LOCATION—PROPERTY LINE: No approach shall be so constructed that any part of the same extends in front of property belonging to persons other than the permittee unless such property owners sign (joint application for a permit).

S) DRAINAGE REQUIREMENTS: All improvements authorized by the permit shall not interfere with drainage of the street or right-of-way, nor cause additional area to drain onto the right-of-way, nor shall they be constructed so as to cause drainage on to the roadway.
 All drainage pipes or tile used in the construction of drives or approaches shall be a MINIMUM OF TWELVE (12) INCHES IN DIAMETER and must conform to the Department's design standards for proper drainage, and all new drives and approaches shall be furnished by the permittee, all pipe or tile and other drainage structures used shall meet the approval of the Department as to type, quality, size and length.

T) PERMIT—FOR CONSTRUCTION: Upon receipt of such permit, the permittee is authorized to proceed with the work covered by it, subject to the conditions imposed by the Board of Public Works and these rules. If the application is approved with conditions, or special provisions, all of the signatures to the original application should indicate their consent to the conditions, or special provisions is written.

U) FINAL PERMIT—INSPECTION: A final approval of the permit shall be issued upon completion of construction provided, however, that no work will be allowed until the work covered by the permit is completed and inspected and found to be in accordance with the plans and specifications filed in the application as approved by the Engineering Department, together with any special conditions noted therein, and approved by the Board of Public Works.

V) PERMIT—RECORDING: The permit clerk of the Right-Of-Way Permit Engineering Office shall upon receiving the approved permit signed by the Board of Public Works, enter same into the general ledger of the Right-Of-Way Permit Engineering Office, together with the cost of processing said permit. Upon completion of construction and final inspection, the date of acceptance shall also be entered into the general ledger.

W) PERMIT—NOTIFICATION OF BEGINNING WORK WHEN EFFECTIVE: Before beginning work under any permit to construct, the permittee shall notify the Right-Of-Way Permit Office a minimum of 24 hours prior to start of work, and again two (2) hours prior to pouring concrete.

X) PERMIT—DISPLAY: The applicant's permit complete with drawings and special provisions shall be on the job site at all times so that it can be shown, if requested.

Y) PERMIT—VALIDITY—COMPLETION OF CONSTRUCTION: All improvements authorized by a permit must be completed within one (1) year after the permit is issued; otherwise, the permit will be cancelled unless an extension is requested, in writing, by the applicant and said request is approved by the Board of Public Works. However, all construction authorized by the permit on the right-of-way must be completed within thirty (30) days after starting construction, unless otherwise expressly approved as a special condition.

Z) PERMIT—LIABILITY DURING CONSTRUCTION: The permittee shall assume all responsibility for damage to the street beginning of the work covered by any permit until final approval of the work. The permittee shall be obligated to save harmless the City of Fort Wayne from all and any injury, loss or damage occasioned to or by persons or property resulting directly or indirectly from such work; the Board of Public Works shall require the permittee to provide liability and indemnity insurance as described by subsec-

to Board of Accounts
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as to provide adequate sight distance in both directions along the street to be closed, or to provide adequate sight distance in both directions along the street to be closed, or to provide adequate sight distance in both directions along the street to be closed.

G) LOCATION—TRAFFIC DEVICES: No entrance or approach shall be located or constructed so as to interfere with or prevent the proper location of necessary street signs or other traffic control devices.

R) LOCATION—PROPERTY LINE: No approach wall shall be so constructed that any part of the same extends in front of property belonging to persons other than the permittee unless both property owners sign joint application for a permit.

S) DRAINAGE REQUIREMENTS: All improvements authorized by the permit shall not interfere with drainage of the street or right-of-way, nor cause additional area to drain onto the right-of-way, nor shall they be constructed so as to cause drainage on to the roadway.

All drainage pipes or tile used in the construction of driveways and approaches shall be a MINIMUM OF TWELVE (12) INCHES IN DIAMETER and as much larger as the Department shall deem necessary for proper drainage, and all new driveways and approaches shall be furnished by the permittees, all pipe or tile and other drainage structures used shall meet the approval of the Department as to type, quality, size and length.

T) PERMIT—FOR CONSTRUCTION: Upon receipt of such permit, the permittee is authorized to proceed with the work covered by it, subject to the conditions imposed by the Board of Public Works and these rules. If the application is approved with conditions or special provisions, all of the signatories to the original application should indicate their consent to the conditions, or special provisions in writing.

U) FINAL PERMIT—INSPECTION: A final approval of the permit shall be issued upon completion of construction; provided, however, that no approval will be issued until the work covered by the permit to construct is inspected and found to be in accordance with the plans and specifications filed in the application as amended by the Engineering Departments, together with any special conditions noted therein, and approved by the Board of Public Works.

V) PERMIT—RECORDING: The permit clerk of the Right-of-Way Permit Engineering Office shall upon receiving the approved permit signed by the Board of Public Works, enter same into the general ledger of the Right-of-Way Permit Engineering Office, together with the cost of processing said permit. Upon completion of construction and final inspection, the date of acceptance shall also be entered into the general ledger.

W) PERMIT—NOTIFICATION OF BEGINNING WORK WHEN EFFECTIVE: Before beginning work under any permit to construct, the permittee shall notify the Right-of-Way Permit Office a minimum of 24 hours prior to start of work, and again two (2) hours prior to pouring concrete.

X) PERMIT—DISPLAY: The applicant's permit complete with drawings and special provisions shall be on the job site at all times so that it can be seen as requested.

Y) PERMIT—VALIDITY—COMPLETION OF CONSTRUCTION: All improvements authorized by a permit shall be completed within one (1) year after the permit is issued; otherwise, the permit will be cancelled unless an extension is requested in writing, by the applicant, and said request is approved by the Board of Public Works. However, all construction authorized by the permit on the right-of-way must be completed within thirty (30) days after starting said construction, unless otherwise expressly approved as a special condition.

Z) PERMIT—LIABILITY DURING CONSTRUCTION: The permittee shall assume all responsibility (during the time from the beginning of the work covered by any permit until final approval of the work), and shall be liable for any and all injury, loss or damage occasioned to or by persons or property resulting directly or indirectly from such work; the Board of Public Works shall require the permittee to provide liability and indemnity insurance as described by subsection "A".

AA) PERMIT—CONSTRUCTION NOT TO INTERFERE WITH STRUCTURE IN RIGHT-OF-WAY: The construction of all improvements authorized by the permit shall not interfere with any existing structure on any City of Fort Wayne right-of-way without specific permission in writing from the Board of Public Works or their owner thereof. Any structure or traffic control device affected by the proposed construction shall be relocated at the applicant's expense as directed.

BB) PERMIT—ENFORCEMENT OF UNLAWFUL SIGNS: The permittee shall not erect or maintain any advertising sign at or over the right-of-way or any portion thereof in violation of any law.

CC) PERMIT—EXISTING ACCESS—SUBJECT TO NEW RULES: Any person who by law, has an existing legal right of access to a City of Fort Wayne street, shall if he desires to improve, relocate, alter or remodel the same or if he has applied for and been issued final approval of a permit under said Ordinance if he desires to make any change in the character of the use of such rights of access, then existing or granted thereafter with respect to such real estate shall be subject to these rules as the same may from time to time be amended by the Board of Public Works.

DD) SEVERABILITY: If any provision of said Ordinance or the application thereof to any person or circumstances is valid, such invalidity shall not affect the other provisions or applications of these rules which can be given effect without the invalid provision, or application, and to this end, the provisions of said ordinance are declared to be severable.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

JOHN NUCKOLS, Councilman
Read the third time in full and on motion by Nuckols, seconded by Hingo, and duly adopted, placed on its passage, PASSEDO by the following vote:
Yeas: Five—Hingo, Kraus, Nuckols, V. Schmidt, Siler.
Nays: Four—Burns, Moses, D. Schmidt, Talarico.
CHARLES WESTERMAN
City Clerk

4-9-74
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-66-74 on the 9th day of April, 1974.

ATTEST:
SAMUEL J. TALARICO
City Clerk
Presented by me to the Acting Mayor, City Controller of the City of Fort Wayne, Indiana, on the 10th day of April, 1974, at the hour of 11:00 o'clock A.M., E.S.T.
CHARLES W. WESTERMAN,
City Clerk
Approved and signed by me this 11th day of April, 1974, at the hour of 9:30 o'clock a.m., E.S.T.
EDWARD G. KAMNIKAR,
City Controller

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-66-74 passed by the Common Council on the 9th day of April, 1974, and approved by the Mayor, signed and dated day of April, 1974 and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 11th day of April, 1974.
CHARLES W. WESTERMAN,
City Clerk.

to Board of Accounts
Council
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County, Ind.

PUBLISHER'S CLAIM

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PUBLISHER'S AFFIDAVIT

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as follows:
4/17-24/74

Subscribed and sworn to before me this.....

My commission expires..... March 11

Fort Wayne Common Council
(Governmental Unit)

To NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

559

2

561

COMPUTATION OF CHARGES

561 lines, 1 column wide equals 561 equivalent lines at .288¢ lines per line

\$ 161.57

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

1.00

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 162.57

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

V. E. Gerken

Date April 25, 1974

Title Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned V. E. Gerken who, being duly sworn, says that S he is Clerk

NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two

time S the dates of publication being as follows:

4/17-24/74

V. E. Gerken

Subscribed and sworn to before me this 25th day of April 1974

Edith Stapleton

Notary Public

My commission expires March 11, 1978

Notice is hereby given that on the 9th day of April, 1974, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill, No. 5-74, 03-23 G-06-74 General Ordinance, to-wit:

S.I.L. NO. G-74-03-23

GENERAL ORDINANCE NO. G-06-74

AN ORDINANCE amending Section 12 of Article I of Chapter 28 of the Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. 2726, adopted December 22, 1953.

SECTION 1, Chapter 28 of the Municipal Code of the City of Fort Wayne, Section 12 of Article I is hereby amended to read as follows:

Section 12 (A) CONSTRUCTION OF DRIVEWAY ENTRANCES AND APPROACHES.

These regulations shall apply to all classes designated in Subsection (C) and shall be limited Access Permit Rules.

B) DEFINITIONS: For the purpose of these regulations the following definitions shall apply:

- 1) **Driveway:** Every way or place not on the right-of-way of any public street or alley and which is used for vehicular traffic.
- 2) **Approach:** A place improved for vehicular or pedestrian traffic on street right-of-way which connects the edge of pavement of a public street with a driveway, or pedestrian walkway.
- 3) **Entrance:** The point of connection of an approach with the traveled portion of a public street.
- 4) **Median:** The portion of a divided highway separating the traveled ways for traffic in opposite directions.
- 5) **Travelled Way:** The portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.
- 6) **Median Crossing (Crossover):** A gap in the median provided and designated for crossing and turning traffic.
- 7) **Auxiliary Lane:** The portion of the roadway, adjoining the traveled way for parking, taxed change, turning, storage for turning, weaving, truck climbing or for other purposes.
- 8) **Access Point:** The point of connection of a driveway at the right-of-way line of the street with the approach.

1) Single Family Residence Access: An entrance and an approach which connects a City street with a driveway to a residence, barn, private garage, or other improved property and ordinarily used by the owner or occupant of the premises, his guests and necessary service vehicles.

2) Commercial Access: An entrance and an approach which connects a City street with a driveway to private property used for multiple family, commercial, industrial, schools, churches, and other similar uses which will ordinarily carry a heavy traffic movement, and public property which will ordinarily carry a heavy traffic movement.

3) Field Access: An entrance and an approach which connects a City street or road with vacant lots, fields or other unimproved property.

C) CLASSES: All entrances and approaches shall be divided into five classes as follows:

CLASS I Single Family Residence Access — raised curb used.

CLASS II Single Family Residence Access — shoulder only, no raised curb.

CLASS III Commercial Access — raised curb used.

CLASS IV Commercial Access — should only, no raised curbs.

CLASS V Field Access — either raised curb or shoulder only.

Crossovers shall be classified in accordance with current Access Standards Manual.

D) APPLICATION — FORMS REQUIRED AND FEE.

1) **Application** — Form Required: Application to the Right-of-Way Permit Department, Room 886, City-County Building, for permits to construct any entrance, driveway or approach connecting with any City street, alley, or to cut any curb along said street or to construct a crossover on said street shall be made on the form as prescribed by the Board of Public Works.

2) **Application Fee:** There shall be an application fee submitted with each application in the following amounts:

1) **RESIDENTIAL (Class I, II, or V Access)** \$10.00 Each Entrance.

2) **COMMERCIAL (Class III, IV or V Access) (Without Taper or Passing Lanes)** \$100.00 Each Entrance.

3) **COMMERCIAL (Class III, IV or V Access) (With Taper or Passing Lanes)** \$200.00 Each Entrance.

Such application fees represent a processing charge and are non-refundable.

E) NEW APPLICATION — WHEN REQUIRED:

A new application shall be required for the construction, remodeling, alteration, or relocation of an entrance, approach, driveway or cross-over. Any change in the character and use of the land use of the real estate, no matter how slight, shall be reviewed to determine if any alteration, relocation, or remodeling of the existing entrance, approach (s), driveway (s), or cross-over (s) or new construction is required. In the event it is determined that relocation, alteration, or modification of the existing entrance approach (s), driveway (s) or cross-over (s), or new construction is required a new application shall be governed by the same rules and judged by the same standards as an application for a permit for a wholly new entrance approach, driveway and/or cross-over.

F) APPLICATION—PERSONS MAKING DISCLOSURE:

All applications for permits under these regulations shall be made in the name of the owner of the fee simple title. All persons having any interest in the land, including but not limited to, mortgages, leases, landlords, lien holders, and encumbrances shall join with the fee simple holder in the application. All such persons shall in the application sign and consent to the conditions of the application and shall be bound equally thereafter by the conditions of any permit which may be issued to any permittee. Title evidence, in the form of a certified search covering period of 20 years, shall be furnished to support the signatures for driveway permit applications in the following areas:

1) All commercial access applications except those applications involving an existing access with no proposed change in access, use or character.

2) Private access or field access in areas covered by limited access resolutions.

All other title evidence will be at the discretion of the Board of Public Works.

If the applicant submits an application which his title evidence does not include the signatures of all interest holders, then if the application is evaluated in favor of granting the permit, the applicant must submit subsequent title evidence showing that all omitted interest holders have ceased to be interest holders or have by an addendum to the application joined the original applicant on the original application and such subsequent title evidence or addendum must be submitted before any authorization for construction under the permit shall begin.

G) APPLICATION—PURPOSE OF ACCESS DISCLOSURE OF INTERESTED PARTIES OR WITH ADJACENT PARCELS:

All applications for permits shall disclose the present and proposed use of the parcel for which access is requested. Any intended use of the access in conjunction with any adjacent parcel, whether owned by applicants or by others, or to be purchased or sold by the applicant or others, shall be disclosed in the application. All adjacent parcels owned or controlled by the applicants whether intended to be used in conjunction with the requested access shall be disclosed in the application. These disclosures are required to ensure the public a safe and convenient means of travel consistent with the right of the adjoining landowner to have access as provided by law.

H) APPLICATION—DRAWINGS AND INFORMATION REQUIRED:

All application for permits under these regulations shall be accompanied by clear drawings. One (1) drawing to accompany each application form. Information to be shown on drawings shall include the following as applicable:

- 1) Driveway and approaches.
- 2) A legal description of the property to be served by the permit together with a legal description of the adjoining land owned or controlled by the applicant.
- 3) Right-of-Way lines and property lines.
- 4) Site plan showing parking, interior drives, buildings, etc.
- 5) Distance to intersecting roads, streets, railways, or crossovers within five hundred (500) feet.
- 6) Width of right-of-way.
- 7) Width and type of road surface.

CESS DISCLOSURE OF INTENDED USE OR OR WITH ADJACENT PARCELS. All applications for proposed use of the parcel for which access is requested, any intended use of the access in conjunction with any adjacent parcel, whether owned by applicants or by others, or to be purchased or sold by the applicant or others, shall be disclosed in the application. All adjacent parcels owned or controlled by the applicants whether intended to be used in conjunction with the requested access shall be disclosed in the application. These disclosures are required to ensure the public a safe and convenient means of travel consistent with the right of the adjoining landowner to have access as provided by law.

(H) APPLICATION—DRAWING INFORMATION REQUIRED. All application for permits under this Ordinance shall be accompanied by clear drawings. One (1) drawing is necessary for each application. Information to be shown on drawings shall include the following as applicable:

- 1) Driveway and approaches.
- 2) A legal description of the property to be served by the permit together with a legal description of the adjoining land owned or controlled by the applicant.
- 3) Right-of-Way lines and property lines.
- 4) Site plan showing parking, intersecting drives, buildings, etc.
- 5) Distance to intersecting roads, streets, railways, or crossovers within five hundred (500) feet.
- 6) Width of right-of-way.
- 7) Width and type of road surface.
- 8) Necessary and existing pipe, tile, or other cross serving site and kind.
- 9) Distance from Right-of-Way line to existing curbs.
- 10) Type of surface and construction (base, surface, etc.) of approaches.
- 11) Type of surface and construction (base, surface, etc.) of approaches.
- 12) Proposed treatment of right-of-way adjacent to and between approaches.
- 13) Rate of slope or grade of approaches and driveways.
- 14) Show distance to and location of next drives on both sides of street (each direction) within five hundred feet.
- 15) All adjacent parcels owned or controlled by the applicant, whether the same are intended for use with access requested or not.
- 16) All parcels intended for use with requested access.

"(I) Resolution (98-00-11) effective December 7, 1977 — All driveway approaches shall have a two inch conduit placed one foot from the inside sidewalk edge, length of which shall be the width of the driveway plus two feet on each side.

"(J) APPLICATION STANDARDS: All construction and materials used within the street right-of-way must conform with the City of Fort Wayne "Standard Specifications" which shall be kept on file in the Right-of-Way Permit Department.

"(K) APPLICATION—DESIGNS: All applications shall be filed in accordance with the Driveway Access Standards Manual, Requirements of the City of Fort Wayne. The permittee agrees to make all improvements in accordance with such standards, specifications, and design requirements of the City of Fort Wayne.

"(L) ENGINEER'S ATTESTATION: — COMMERCIAL — ENGINEER'S ATTESTATION: All applications for commercial purposes shall be signed by a registered professional engineer, and a registered civil and surveyor, certifying that the applications as proposed, conform with all City of Fort Wayne rules and standards, except as he shall note in such attestation.

"(M) COMPLIANCE—OTHER LAWS: Approval of a permit application shall be subject to the permittee obtaining all necessary approvals involving land use from the Zoning Board and or Plan Commission. The compliance with all applicable laws and ordinances of any permit shall in no way imply to influence any action pending before any Board or Commission.

"(N) BOND REQUIRED: The City of Fort Wayne shall require a Permit Bond and liability insurance to be filed along with each application to do any work of construction work within the right-of-way.

- 1) Contractors:
 - a) Permit Bond Minimum — \$1,000.
 - b) Liability Insurance Minimum — \$50,000.
 - 2) Private Property Owners:
 - a) Permit Bond Minimum — \$1,000. (Home Address)
 - b) Liability Insurance Minimum — \$1,000. (Home Address)
- Such bonds are required to insure compliance with all terms of the permit and shall in the case of noncompliance, provide a cushion to any damages suffered thereby, all witness and court costs in collecting the same, together with any attorney's fees, reasonably used, and shall be released when the work described on the permit has been completed to the satisfaction of the City of Fort Wayne Permit Department, representative.

This bond is required for a period of one year, and shall be considered as continuous. This bond and liability insurance must be on file in the Right-of-Way Permit Department before any R-W permits will be issued.

The proper bond forms may be obtained from the Right-of-Way Permit Department, Room 816, City-County Building.

"(O) MEDIAN OPENINGS (cross-overs) LOCATION: Permits for private or commercial crossovers will be issued only if the distance to the nearest existing crossover is in accordance with the Access Standards Manual, unless the applicant can prove to the satisfaction of the Board of Public Works that the location of the crossover will not be detrimental to the safety of the traveling public.

"(P) LOCATION—PAPER—CONTINUOUS LAINE: When the taper of a proposed driveway approach will create, because of the addition of said taper and its location, an adjacent similar taper, hazardous and erratic traffic movement, the entire taper forming a continuous taper between the approaches of which said tapers are a part, shall be constructed as a continuous taper.

"(Q) LOCATION—VISIBILITY: All entrances and approaches shall be located so as to provide adequate sight distance in both directions along the street for safe access to the street without interfering with traffic.

"(R) LOCATION—TRAFFIC DEVICES: No entrance or approach shall be located or constructed so as to interfere with or prevent the proper location and use of street signs or other traffic control devices.

"(S) LOCATION—TRAFFIC LINES: No approach road shall be so constructed that any part of the same extends in front of the property, belonging to persons other than the permittee, unless the property owner has filed application for a permit.

"(T) DRAINAGE REQUIREMENTS: All improvements authorized by the permit shall not interfere with the flow of water in the street or right-of-way, nor cause additional erosion or drain onto the right-of-way, nor shall they be constructed so as to cause drainage onto the roadway.

All drainage pipes or tile used in the construction of driveways and approaches shall be of a MINIMUM OF TWELVE (12) INCHES IN DIAMETER and its main sewer or as the Department shall deem necessary for proper drainage, and all new driveways and approaches shall be furnished with a permittee, all pipe or tile and other drainage structures used shall meet the drainage standards of the Department as to type, quality, size and length.

"(U) PERMIT—FOR CONSTRUCTION: Upon receipt of each permit, the permittee is authorized to proceed with the work covered by it, subject to the conditions imposed by the Board of Public Works and these rules. If the application is approved with conditions, or special provisions, all of which are supplementary to the original application, the permittee shall indicate their consent to the conditions or special provisions in writing.

"(V) FINAL PERMIT—INSPECTION: Final approval of the permit shall be issued upon completion of construction; provided, however, that no approval will be issued until the work covered by the permit is inspected and found to be in accordance with the plans and specifications filed in the application as amended by the Engineering Department and together with any special conditions noted therein, and approved by the Board of Public Works.

"(W) PERMIT—RECORDING: The permit clerk of the Right-of-Way Permit Department shall upon recording the approved permit signed by the Board of Public Works, enter same into the general ledger of the Right-of-Way Permit Department Office, together with the cost of processing said permit. Upon completion of construction and final inspection, the date

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Fort Wayne Common Council
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines _____

Head number of lines _____

Body number of lines 559

Tail number of lines 2

Total number of lines in notice 561

COMPUTATION OF CHARGES

561 lines, 1 columns wide equals 561 equivalent lines at 288¢ \$ 161.57
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount) 1.00

Charge for extra proofs of publication (50 cents for each proof in excess of two) 162.57

TOTAL AMOUNT OF CLAIM \$ 162.57

DATA FOR COMPUTING COST

Width of single column 11 ems Size of type 5¹/₂ point

Number of insertions 2 Size of quad upon which type is cast 5¹/₂

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date April 25, 1974

Title _____ CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is _____ CLERK _____ of the

JOURNAL-GAZETTE
a DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 times S, the dates of publication being as follows:

4/17-24/74

Subscribed and sworn to before me this 25th day of April, 1974

My commission expires March 11, 1978

Notary Public

Vertical text on the left margin, likely a page number or reference code, including "22", "21", "20", "19", "18", "17", "16", "15", "14", "13", "12", "11", "10", "9", "8", "7", "6", "5", "4", "3", "2", "1".